

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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AUTOEXPO ENT INC., PEACE PROPERTIES, LLC,  
NETWORK REINSURANCE COMPANY INC.,  
AUTO EXCHANGE CENTER, LLC, and CHROME  
INSURANCE AGENCY LLC,

Plaintiffs,

v.

OMID ELYAHOU, SIMPSOCIAL LLC, FIFTY SEVEN  
CONSULTING CORP. d/b/a CERTIFIED AUTO GROUP  
a/k/a CERTIFIED PERFORMANCE MOTORS, AVI  
EITAN and FAZEEDA KASSIM,

Defendants.

**ORAL ARGUMENT REQUESTED**

Hon. Orelia E. Merchant  
M. J. Steven L. Tiscione

Civil Action No.  
2:23-cv-9249

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**NOTICE OF MOTION**

**PLEASE TAKE NOTICE**, that upon defendants Avi Eitan, Fifty Seven Consulting Corp. d/b/a Certified Auto Group a/k/a Certified Performance Motors and Fazeeda Kassim (collectively, the “Certified Defendants”) memorandum of law in support of their motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(1) and (6) the Complaint of plaintiffs’ Autoexpo Ent. Inc., Peace Properties LLC, Network Reinsurance Company Inc., Auto Exchange Center, LLC, and Chrome Insurance Agency LLC (collectively, “Plaintiffs”) First, Second, Third, Fourth, Sixth, Thirteenth, Seventeenth and Eighteenth, Twentieth and Twenty First Causes of Action of the Amended Complaint, and, thereby, in the absence of a viable Federal claim, the Amended Complaint in its entirety as against the Certified Defendants, Certified Defendants’ Motion Exhibits annexed to the supporting Declaration of Matthew T. Feinman dated December 5, 2024, the Certified defendants will move this Court, located at United States District Court Eastern District of New York 100

Federal Plaza, Central Islip, NY 11722, on January 14, 2025, or as soon thereafter as Counsel may be heard, before Magistrate Judge Steven L. Tiscione, for an order (i) dismissing without leave to replead the First, Second, Third, Fourth, Sixth, Thirteenth, Seventeenth and Eighteenth, Twentieth and Twenty First Causes of Action of the Amended Complaint, and, thereby, in the absence of a viable Federal claim, the Amended Complaint in its entirety as against the Certified Defendants, pursuant to Rule 12(b)(1) and (b)(6) of the Federal Rules of Civil Procedure, and (ii) granting the Certified Defendants such other and further relief as may be just, proper and equitable.

**PLEASE TAKE FURTHER NOTICE**, that in accordance with this Court's instructions, plaintiff's opposition to this Motion, if any, is to be served on or before December 27, 2024;

**PLEASE TAKE FURTHER NOTICE**, that in accordance with this Court's instructions, the Certified Defendants' reply, in further support of this Motion, if any, is to be served on or before January 13, 2025.

Dated: December 5, 2024

LAW OFFICE OF STEVEN COHN, P.C.

By: /s/ Matthew Feinman

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